

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 130

## HOUSE BILL 2249

AN ACT

AMENDING SECTIONS 25-320, 25-802, 25-805, 25-806 AND 25-807, ARIZONA REVISED STATUTES; REPEALING SECTION 25-808, ARIZONA REVISED STATUTES; AMENDING SECTIONS 25-809, 25-810, 25-812, 25-813, 25-816 AND 25-817, ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-320, Arizona Revised Statutes, is amended to  
3 read:

4 25-320. Child support; factors; methods of payment; additional  
5 enforcement provisions; definitions

6 A. In a proceeding for dissolution of marriage, legal separation,  
7 maintenance or child support, the court may order either or both parents  
8 owing a duty of support to a child, born to or adopted by the parents, to pay  
9 an amount reasonable and necessary for support of the child, without regard  
10 to marital misconduct.

11 B. If child support has not been ordered by a child support order and  
12 if the court deems child support appropriate, the court shall direct, using a  
13 retroactive application of the child support guidelines to the date of filing  
14 a dissolution of marriage, legal separation, maintenance or child support  
15 proceeding, the amount that the parents shall pay for the past support of the  
16 child and the manner in which payment shall be paid, taking into account any  
17 amount of temporary or voluntary support that has been paid. Retroactive  
18 child support is enforceable in any manner provided by law.

19 C. If the parties lived apart before the date of the filing for  
20 dissolution of marriage, legal separation, maintenance or child support and  
21 if child support has not been ordered by a child support order, the court may  
22 order child support retroactively to the date of separation, but not more  
23 than three years before the date of the filing for dissolution of marriage,  
24 legal separation, maintenance or child support. The court must first  
25 consider all relevant circumstances, including the conduct or motivation of  
26 the parties in that filing and the diligence with which service of process  
27 was attempted on the obligor spouse or was frustrated by the obligor  
28 spouse. If the court determines that child support is appropriate, the court  
29 shall direct, using a retroactive application of the child support  
30 guidelines, the amount that the parents must pay for the past support of the  
31 child and the manner in which payments must be paid, taking into account any  
32 amount of temporary or voluntary support that has been paid.

33 D. The supreme court shall establish guidelines for determining the  
34 amount of child support. The amount resulting from the application of these  
35 guidelines is the amount of child support ordered unless a written finding is  
36 made, based on criteria approved by the supreme court, that application of  
37 the guidelines would be inappropriate or unjust in a particular case. The  
38 supreme court shall review the guidelines at least once every four years to  
39 ensure that their application results in the determination of appropriate  
40 child support amounts. The supreme court shall base the guidelines and  
41 criteria for deviation from them on all relevant factors, including:

- 42 1. The financial resources and needs of the child.
- 43 2. The financial resources and needs of the custodial parent.
- 44 3. The standard of living the child would have enjoyed had the  
45 marriage not been dissolved.

1           4. The physical and emotional condition of the child, and the child's  
2 educational needs.

3           5. The financial resources and needs of the noncustodial parent.

4           6. Excessive or abnormal expenditures, destruction, concealment or  
5 fraudulent disposition of community, joint tenancy and other property held in  
6 common.

7           7. The duration of parenting time and related expenses.

8           ~~E. In the case of a mentally or physically disabled child, if the~~  
9 ~~court, after considering the factors set forth in subsection D of this~~  
10 ~~section, deems it appropriate, the court may order support to continue past~~  
11 ~~the age of majority and to be paid to the custodial parent, guardian or~~  
12 ~~child, even if at the date of separation, at the time of the filing of a~~  
13 ~~petition or at the time of the final decree, the child has reached the age of~~  
14 ~~majority.~~

15           E. EVEN IF A CHILD IS OVER THE AGE OF MAJORITY WHEN A PETITION IS  
16 FILED OR AT THE TIME OF THE FINAL DECREE, THE COURT MAY ORDER SUPPORT TO  
17 CONTINUE PAST THE AGE OF MAJORITY IF ALL OF THE FOLLOWING ARE TRUE:

18           1. THE COURT HAS CONSIDERED THE FACTORS PRESCRIBED IN SUBSECTION D OF  
19 THIS SECTION.

20           2. THE CHILD IS SEVERELY MENTALLY OR PHYSICALLY DISABLED AS  
21 DEMONSTRATED BY THE FACT THAT THE CHILD IS UNABLE TO LIVE INDEPENDENTLY AND  
22 BE SELF-SUPPORTING.

23           3. THE CHILD'S DISABILITY BEGAN BEFORE THE CHILD REACHED THE AGE OF  
24 MAJORITY.

25           F. If a child reaches the age of majority while the child is attending  
26 high school or a certified high school equivalency program, support shall  
27 continue to be provided during the period in which the child is actually  
28 attending high school or the equivalency program but only until the child  
29 reaches nineteen years of age unless the court enters an order pursuant to  
30 subsection E of this section. Notwithstanding any other ~~provision of law~~, a  
31 parent paying support for a child over the age of majority pursuant to this  
32 section is entitled to obtain all records related to the attendance of the  
33 child in the high school or equivalency program.

34           G. If a personal check for support payments and handling fees is  
35 rightfully dishonored by the payor bank or other drawee, the person obligated  
36 to pay support shall make any subsequent support payments and handling fees  
37 only by cash, money order, cashier's check, traveler's check or certified  
38 check. If a person required to pay support other than by personal check  
39 demonstrates full and timely payment for twenty-four consecutive months, that  
40 person may pay support by personal check if these payments are for the full  
41 amount, are timely tendered and are not rightfully dishonored by the payor  
42 bank or other drawee.

43           H. Subsection G of this section does not apply to payments made by  
44 means of an assignment.

1 I. If after reasonable efforts to locate the obligee the clerk or  
2 support payment clearinghouse is unable to deliver payments for the period  
3 prescribed in section 25-503 due to the failure of the person to whom the  
4 support has been ordered to be paid to notify the clerk or support payment  
5 clearinghouse of a change in address, the clerk or support payment  
6 clearinghouse shall not deliver further payments and shall return the  
7 payments to the obligor consistent with the requirements of section 25-503.

8 J. An order for child support shall assign responsibility for  
9 providing medical insurance for the child who is the subject of the support  
10 order and shall assign responsibility for the payment of any medical costs of  
11 the child that are not covered by insurance. In title IV-D cases, the parent  
12 responsible pursuant to court order for providing medical insurance for the  
13 child shall notify the support payment clearinghouse prescribed in section  
14 46-441 if the child is no longer covered under an employer's insurance  
15 plan. The support payment clearinghouse shall notify the child support  
16 enforcement agency in the department of economic security of the lapse in  
17 insurance coverage.

18 K. In title IV-D cases the superior court shall accept for filing any  
19 documents that are received through electronic transmission if the  
20 electronically reproduced document states that the copy used for the  
21 electronic transmission was certified before it was electronically  
22 transmitted.

23 L. The court shall presume, in the absence of contrary testimony, that  
24 a noncustodial parent is capable of full-time employment at least at the  
25 federal adult minimum wage. This presumption does not apply to noncustodial  
26 parents who are under the age of eighteen and who are attending high school.

27 M. An order for support shall provide for an assignment pursuant to  
28 sections 25-504 and 25-323.

29 N. Each licensing board or agency that issues professional,  
30 recreational or occupational licenses or certificates shall record on the  
31 application the social security number of the applicant and shall enter this  
32 information in its database in order to aid the department of economic  
33 security in locating parents or their assets or to enforce child support  
34 orders. This subsection does not apply to a license that is issued pursuant  
35 to title 17 and that is not issued by an automated drawing system. If a  
36 licensing board or agency allows an applicant to use a number other than the  
37 social security number on the face of the license or certificate while the  
38 licensing board or agency keeps the social security number on file, the  
39 licensing board or agency shall advise an applicant of this fact.

40 O. For the purposes of this section:

41 1. "Child support guidelines" means the child support guidelines that  
42 are adopted by the state supreme court pursuant to 42 United States Code  
43 sections 651 through 669B.

44 2. "Date of separation" means the date the married parents ceased to  
45 cohabit.

1           3. "Support" has the same meaning prescribed in section 25-500.

2           4. "Support payments" means the amount of money ordered by the court  
3 to be paid for the support of the minor child or children.

4           Sec. 2. Section 25-802, Arizona Revised Statutes, is amended to read:  
5           25-802. Venue

6           Proceedings to establish maternity or paternity may be originated in  
7 the county of residence of the defendant RESPONDENT or the plaintiff  
8 PETITIONER or the child or children the subject of the action. The fact that  
9 the plaintiff PETITIONER parent or child or both are not, or never have been,  
10 residents of Arizona shall DOES not bar the proceeding.

11          Sec. 3. Section 25-805, Arizona Revised Statutes, is amended to read:  
12          25-805. Effect of death, absence, or insanity of plaintiff

13          If, after the complaint PETITION is filed, the plaintiff PETITIONER  
14 dies, becomes insane, departs the state, or fails to litigate the issue, the  
15 proceedings shall DO not abate but may be continued, with the state as  
16 plaintiff PETITIONER, as to any child in the legal custody of any state  
17 agency, or as to any child which WHO is the beneficiary of any state or  
18 federal financial assistance.

19          Sec. 4. Section 25-806, Arizona Revised Statutes, is amended to read:  
20          25-806. Petition

21          A. Paternity proceedings are commenced by the filing of a verified  
22 complaint PETITION that includes the social security number of each party and  
23 that alleges that a woman is delivered of a child or children born out of  
24 lawful wedlock or pregnant with a child conceived out of wedlock and that the  
25 defendant RESPONDENT is the father of the child or children.

26          B. Maternity proceedings are commenced by the filing of a verified  
27 complaint PETITION that includes the social security number of each party and  
28 that alleges that a woman is delivered of a child or children born out of  
29 lawful wedlock and that the woman as defendant RESPONDENT is the mother of  
30 the child or children.

31          C. The procedure upon ON the filing of the complaint PETITION shall be  
32 as in other civil cases. In addition to the above procedure, the following  
33 alternate procedure shall be permissible at the election of the defendant  
34 without regard to the age of the defendant:

35           1. After service of the summons in accordance with the Arizona rules  
36 of civil procedure, the answer and all other pleadings permitted by the  
37 Arizona rules of civil procedure may be made by the defendant by personal  
38 appearance before the judge and by oral presentation of the pleading. Such  
39 oral pleadings shall be made before the assigned judge, or, if no judge has  
40 been assigned to the case, to the presiding judge. A record shall be made  
41 and notice given of all such oral pleadings.

42           2. If the answer is made admitting the elements of the complaint, a  
43 judgment may be entered forthwith or the court may set a subsequent time for  
44 a hearing and establishment of the terms of the judgment.

1 D. IF THE RESPONDENT DOES NOT FILE A RESPONSE OR IF THE RESPONDENT  
2 FILES A WRITTEN RESPONSE ADMITTING PATERNITY OR MATERNITY, THE COURT MAY  
3 IMMEDIATELY ENTER A JUDGMENT OF PATERNITY OR MATERNITY. IF OTHER RELEVANT  
4 ISSUES ARE RAISED IN THE PETITION OR RESPONSE OR IN A SEPARATE PETITION FILED  
5 AFTER ENTRY OF A PATERNITY OR MATERNITY JUDGMENT, THE COURT SHALL PROCEED TO  
6 RESOLVE ALL RELEVANT ISSUES IN THE CASE PURSUANT TO THE RULES OF PROCEDURE  
7 APPLICABLE TO FAMILY LAW CASES.

8 ~~D.~~ E. A trial held pursuant to this section shall be made to the  
9 court.

10 Sec. 5. Section 25-807, Arizona Revised Statutes, is amended to read:

11 25-807. Precedence of maternity and paternity proceedings;  
12 delay for blood or tissue tests; court order;  
13 evidentiary use; alternative tests

14 A. Proceedings to establish maternity and paternity ~~shall~~ have  
15 precedence over other civil proceedings. The case shall be set for trial  
16 within sixty days from the filing of an answer ~~or oral denial~~ by the  
17 ~~defendant~~ RESPONDENT.

18 B. A delay in determining paternity in an action commenced ~~prior to~~  
19 BEFORE the birth of the child shall be granted until after the birth of the  
20 child for purposes of paternity tests if any party to the proceedings  
21 requests.

22 C. The court, on its own motion, ~~or~~ on motion of any party to the  
23 proceedings, shall order the mother, her child or children and the alleged  
24 father to submit to the drawing of blood samples or the taking of  
25 deoxyribonucleic acid probe samples, or both, and shall direct that inherited  
26 characteristics, including ~~but not limited to~~ blood and tissue type, be  
27 determined by appropriate testing procedures. An expert duly qualified as an  
28 examiner of genetic markers shall be agreed ~~upon~~ ON by the parties or  
29 appointed by the court to analyze and interpret the results and report to the  
30 court.

31 D. If the results of the blood tests indicate that the likelihood of  
32 the alleged father's paternity is ninety-five per cent or greater, the  
33 alleged father is presumed to be the parent of the child and the party  
34 opposing the establishment of the alleged father's paternity shall establish  
35 by clear and convincing evidence that the alleged father is not the father of  
36 the child.

37 E. The examiner's report shall be admitted at trial unless a timely  
38 written challenge to the examiner's report is filed with the court within  
39 twenty-one days of the initial trial date. If the results of the examiner's  
40 report have been challenged and on the reasonable request of a party, the  
41 court shall order an additional test to be made by the same laboratory or an  
42 independent laboratory at the expense of the party requesting additional  
43 testing.

1 F. If a timely written challenge is not filed pursuant to subsection  
2 E, the examiner's report is admissible in evidence without the need for  
3 foundation testimony or other proof of authenticity or accuracy.

4 G. The court ~~shall~~, on application of either party, SHALL determine  
5 the proportion and time in which the initial test costs shall be paid.

6 H. On motion of a party to the proceedings, the court may order that  
7 experts perform alternative or additional tests including medical, scientific  
8 and genetic tests.

9 Sec. 6. Repeal

10 Section 25-808, Arizona Revised Statutes, is repealed.

11 Sec. 7. Section 25-809, Arizona Revised Statutes, is amended to read:  
12 25-809. Judgment

13 A. Except as provided in section 25-501, subsection F, if a ~~defendant~~  
14 RESPONDENT admits parentage or if the issue is decided in the affirmative in  
15 an action instituted during the child's minority, the court shall direct,  
16 subject to applicable equitable defenses and using a retroactive application  
17 of the current child support guidelines, the amount, if any, the ~~defendant~~  
18 PARTIES shall pay for the past support of the child and the manner in which  
19 payment shall be made. ~~The court may also direct the defendant to pay the~~  
20 ~~costs of litigation.~~

21 B. The court shall enter an order for support determined to be due for  
22 the period between the commencement of the proceeding and the date that  
23 current child support is ordered to begin. The court shall not order past  
24 support retroactive to more than three years before the commencement of the  
25 proceeding unless the court makes a written finding of good cause after  
26 considering all relevant circumstances, including:

27 1. The circumstances, conduct or motivation of the party who claims  
28 entitlement to past support in not seeking an earlier establishment of  
29 maternity or paternity.

30 2. The circumstances, conduct or motivation of the party from whom  
31 past support is sought in impeding the establishment of maternity or  
32 paternity.

33 3. The diligence with which service of process was attempted on the  
34 ~~defendant~~ RESPONDENT.

35 C. The court shall also direct the amount ~~the father~~ EITHER PARENT  
36 shall pay for the actual costs of the pregnancy, childbirth and any genetic  
37 testing and other related costs subject to production of billing statements  
38 or other documentation. This documentation is prima facie evidence of  
39 amounts ~~incurred~~ and is admissible in evidence without the need for  
40 foundation testimony or other proof of authenticity or accuracy.

41 D. In any proceeding under this article the court shall order either  
42 parent or both parents to pay any monies reasonable and necessary for the  
43 support of the minor unemancipated child until the child reaches the age of  
44 majority or is emancipated. In determining the amount of support for the  
45 child, the court shall apply the child support guidelines pursuant to section

1 25-320, subsection D. If a child reaches the age of majority while the child  
2 is attending high school or a certified high school equivalency program,  
3 support shall continue to be provided while the child is actually attending  
4 high school or the equivalency program but only until the child reaches  
5 nineteen years of age unless the court enters an order pursuant to subsection  
6 F of this section.

7 E. The court may modify an order of support pursuant to section  
8 25-503, subsection D.

9 ~~F. If the child is physically or mentally disabled and the court deems~~  
10 ~~it appropriate, the court may order support to continue past the age of~~  
11 ~~majority and to be paid to the custodial parent, guardian or child, even if~~  
12 ~~at the time of filing the complaint the child has reached the age of~~  
13 ~~majority.~~

14 F. EVEN IF A CHILD IS OVER THE AGE OF MAJORITY WHEN A PETITION IS  
15 FILED OR AT THE TIME OF THE FINAL DECREE, THE COURT MAY ORDER SUPPORT TO  
16 CONTINUE PAST THE AGE OF MAJORITY IF ALL OF THE FOLLOWING ARE TRUE:

17 1. THE COURT HAS CONSIDERED THE FACTORS PRESCRIBED IN SUBSECTION D OF  
18 THIS SECTION.

19 2. THE CHILD IS SEVERELY MENTALLY OR PHYSICALLY DISABLED AS  
20 DEMONSTRATED BY THE FACT THAT THE CHILD IS UNABLE TO LIVE INDEPENDENTLY AND  
21 BE SELF-SUPPORTING.

22 3. THE CHILD'S DISABILITY BEGAN BEFORE THE CHILD REACHED THE AGE OF  
23 MAJORITY.

24 G. After considering the financial resources of both parties and the  
25 reasonableness of the positions each party has taken throughout the  
26 proceedings, the court may order a party to pay a reasonable amount to the  
27 other party for the costs and expenses of maintaining or defending any  
28 proceeding under this article. The court may order the party to pay these  
29 amounts directly to the attorney. The attorney may enforce the order in the  
30 attorney's name with the same force and effect and in the same manner as if  
31 the order had been made on behalf of any party to the action. For the  
32 purposes of this subsection, "costs and expenses" includes attorney fees,  
33 deposition costs, appellate costs and other reasonable expenses the court  
34 determines were necessary.

35 H. The court has contempt powers to enforce its orders.

36 ~~I. In any proceeding after judgment the court shall determine amounts~~  
37 ~~owing under the existing orders of the court and shall provide for the~~  
38 ~~payment of that amount.~~

39 ~~J. 1. The parties may terminate an action brought under this article~~  
40 ~~by agreement and compromise only if the court has approved the terms of the~~  
41 ~~agreement and compromise.~~



1       Sec. 8. Section 25-810, Arizona Revised Statutes, is amended to read:

2       25-810. Liability of parents if putative mother or father is a  
3           minor; periodic payments

4       A. Except as provided pursuant to section 25-501, subsection F, the  
5       parent or parents having custody or control of the putative mother or father  
6       may be joined as ~~defendants~~ RESPONDENTS in the action if the putative mother  
7       or father is a minor or was a minor at the time the action was  
8       commenced. The parents may be held jointly and severally liable with the  
9       minor until the minor reaches the age of majority.

10       B. The court may order that a judgment made against a parent pursuant  
11       to this section be satisfied through periodic payments as other child support  
12       orders.

13       C. In addition to the enforcement of support remedies provided  
14       pursuant to section 25-508, an order made pursuant to this section that  
15       provides for periodic payments shall be enforced pursuant to this chapter.

16       Sec. 9. Section 25-812, Arizona Revised Statutes, is amended to read:

17       25-812. Voluntary acknowledgment of paternity; action to  
18           overcome paternity

19       A. This state or the parent of a child born out of wedlock may  
20       establish the paternity of a child by filing one of the following with the  
21       clerk of the superior court, the department of economic security or the  
22       department of health services:

23       1. A notarized or witnessed statement that contains the social  
24       security numbers of both parents and that is signed by both parents  
25       acknowledging paternity or two separate substantially similar notarized or  
26       witnessed statements acknowledging paternity. If another man is presumed to  
27       be the child's father pursuant to section 25-814, an acknowledgment of  
28       paternity is valid only with the presumed father's written consent or as  
29       prescribed pursuant to section 25-814. A statement that is witnessed by an  
30       employee of the department of economic security or the department of health  
31       services or by an employee of a hospital must contain the printed name and  
32       residential or business address of the witness. A statement that is  
33       witnessed by any other person must contain the printed name and residential  
34       address of the witness. If the acknowledgment of paternity is witnessed, the  
35       witness must be an adult who is not related to either parent by blood or by  
36       marriage.

37       2. An agreement by the parents to be bound by the results of genetic  
38       testing, including any genetic test previously accepted by a court of  
39       competent jurisdiction, or any combination of genetic testing agreed to by  
40       the parties, and an affidavit from a certified laboratory that the tested  
41       father has not been excluded.

42       B. On filing a document required in subsection A of this section with  
43       the clerk of the superior court, the clerk OR AUTHORIZED COURT PERSONNEL  
44       shall issue an order establishing paternity, which shall include the social  
45       security number of the parents and may amend the name of the child or

1 children, if requested by the parents. The clerk shall transmit a copy of  
2 the order of paternity to the department of health services and the  
3 department of economic security.

4 C. On entry of an order by the clerk of the superior court, the  
5 paternity determination has the same force and effect as a judgment of the  
6 superior court. In a non-title IV-D case, the clerk shall transmit a copy of  
7 an order granted under this subsection to the state title IV-D agency. The  
8 case filing fee prescribed by section 12-284 shall not be charged to any  
9 person who, in the same county, initiates or responds to a proceeding to  
10 establish child support or to obtain an order for custody or parenting time  
11 within ninety days after an order establishing paternity is issued under  
12 subsection B of this section.

13 D. A voluntary acknowledgment of paternity executed pursuant to  
14 subsection A, paragraph 1 of this section may be filed with the department of  
15 economic security, which shall provide a copy to the department of health  
16 services. A voluntary acknowledgment of paternity made pursuant to this  
17 section is a determination of paternity and has the same force and effect as  
18 a superior court judgment.

19 E. Pursuant to rule 60(c) of the Arizona rules of civil procedure, the  
20 mother, father or child, or a party to the proceeding on a rule 60(c) motion  
21 may challenge a voluntary acknowledgment of paternity established in this  
22 state at any time after the sixty day period only on the basis of fraud,  
23 duress or material mistake of fact, with the burden of proof on the  
24 challenger and under which the legal responsibilities, including child  
25 support obligations of any signatory arising from the acknowledgment shall  
26 not be suspended during the challenge except for good cause shown. The court  
27 shall order the mother, her child or children and the alleged father to  
28 submit to genetic testing and shall direct that appropriate testing  
29 procedures determine the inherited characteristics, including blood and  
30 tissue type. If the court finds by clear and convincing evidence that the  
31 genetic tests demonstrate that the established father is not the biological  
32 father of the child, the court shall vacate the determination of paternity  
33 and terminate the obligation of that party to pay ongoing child support. An  
34 order vacating the determination of paternity operates prospectively only and  
35 does not alter the obligation to pay child support arrearages or, unless  
36 otherwise ordered by the court, any other amount previously ordered to be  
37 paid pursuant to section 25-809.

38 F. Before signing a voluntary acknowledgment of paternity pursuant to  
39 this section, the parties shall be provided notice of the alternatives to,  
40 the legal consequences of and the rights and responsibilities that arise from  
41 signing the acknowledgment.

42 G. The department of economic security shall notify the department of  
43 health services of all paternity determinations and rescissions.

44 H. The mother or the father may rescind the acknowledgment of  
45 paternity within the earlier of:

1           1. Sixty days after the last signature is affixed to the notarized  
2 acknowledgment of paternity that is filed with the department of economic  
3 security, the department of health services or the clerk of the court.

4           2. The date of a proceeding relating to the child, including a child  
5 support proceeding in which the mother or father is a party.

6           I. A rescission authorized pursuant to subsection H of this section  
7 must be in writing and a copy of each rescission of paternity shall be filed  
8 with the department of economic security. The department of economic  
9 security shall mail a copy of the rescission of paternity to the other parent  
10 and to the department of health services.

11           J. Voluntary acknowledgments of paternity and rescissions of paternity  
12 filed pursuant to this section shall contain data elements in accordance with  
13 the requirements of the United States secretary of health and human services.

14           Sec. 10. Section 25-813, Arizona Revised Statutes, is amended to read:

15           25-813. Default order of paternity

16           In an action to establish paternity, the court shall enter an order of  
17 paternity if either:

18           1. The service of summons is complete and the ~~defendant~~ RESPONDENT  
19 fails to appear or otherwise answer.

20           2. An order for genetic or blood testing has been entered and the  
21 ~~defendant~~ RESPONDENT fails to appear without cause for an appointment to take  
22 a blood OR GENETIC test or fails to take a blood or genetic test.

23           Sec. 11. Section 25-816, Arizona Revised Statutes, is amended to read:

24           25-816. Title IV-D child support; paternity establishment;  
25                           genetic testing

26           A. On receipt of a sworn statement by the mother or the alleged father  
27 alleging paternity and setting forth the facts establishing a reasonable  
28 possibility of the requisite sexual contact between the parties, the  
29 department of economic security or its agent may order the mother, her child  
30 or children and the alleged father to submit to the drawing of blood or  
31 tissue samples for genetic testing of a type generally acknowledged as  
32 reliable by accreditation bodies. If the mother cannot be located the  
33 department or its agent may order the caretaker of the child or children to  
34 present the child or children for genetic testing. The order shall be served  
35 by first class mail or delivered at least ten business days before the  
36 genetic testing. The department or its agent shall pay the costs of the test  
37 subject to repayment from the MOTHER OR THE alleged father if paternity is  
38 established. An order of genetic testing issued by the department or its  
39 agent has the same force and effect as a superior court order.

40           B. If the results of the genetic testing indicate that the likelihood  
41 of the alleged father's paternity is ninety-five per cent or greater, the  
42 alleged father is presumed to be the parent of the child and the party  
43 opposing the establishment of the alleged father's paternity shall establish  
44 by clear and convincing evidence that he is not the father of the child.

1 C. A person who is tested pursuant to this section may contest the  
2 test results in writing to the department or its agent within thirty days  
3 after the department or its agent mails the results to that person. If the  
4 original test results are contested in a timely manner, on request and  
5 advance payment by the requesting party, the department or its agent shall  
6 order a second genetic test pursuant to subsection A.

7 Sec. 12. Section 25-817, Arizona Revised Statutes, is amended to read:

8 25-817. Temporary support orders; presumption of paternity

9 A. The court shall issue a temporary order of support pending a  
10 judicial determination of paternity if ~~either~~ ANY OF THE FOLLOWING APPLIES:

11 1. Genetic testing affirms at least a ninety-five per cent probability  
12 of paternity.

13 2. A notarized or witnessed statement is signed by both parents  
14 acknowledging paternity or separate substantially similar notarized or  
15 witnessed statements are signed acknowledging paternity and filed with the  
16 department of health services pursuant to section 36-334 or filed with the  
17 department of economic security.

18 3. THE RESPONDENT ADMITS OR DOES NOT DENY PATERNITY IN A WRITTEN  
19 RESPONSE FILED WITH THE CLERK OF THE COURT.

20 ~~3-~~ 4. There is other clear and convincing evidence as determined by a  
21 court.

22 B. A temporary order of support does not prejudice the rights of a  
23 person or child that are adjudicated at subsequent hearings in the  
24 proceeding.

25 C. A temporary order of support may be revoked or modified and  
26 terminates when the final support order is entered or when the petition for  
27 support is dismissed.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.



Passed the House February 21, 2005


Passed the Senate April 7, 2005

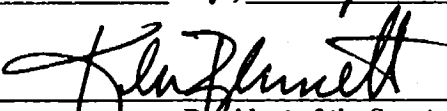
by the following vote: 59 Ayes,


by the following vote: 29 Ayes,

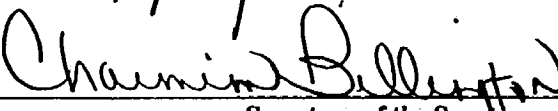
0 Nays, 1 Not Voting

0 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of

~~\_\_\_\_\_, 20\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

H.B. 2249

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

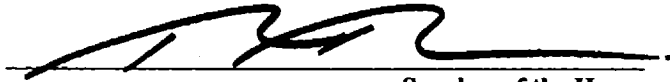
~~\_\_\_\_\_  
Secretary of State~~

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 12, 2005,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

  
Speaker of the House  
*Pro Tempore*  
Speman L. Gyro  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2005

at 12:00 o'clock P. M.

Wendee L. Harris  
Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1:50 o'clock P. M.

Jon R. Ryznar  
Governor of Arizona

H.B. 2249

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P. M.

Janice K. Brewer  
Secretary of State